

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) Case No. 12-20123-CM
)
MUNIR AMAD CHAUDARY (01),)
RHONDA A. BRIDGE (02),)
RHONDA & SON'S, INC. (03),)
MAC & SONS LLC (04),)
)
Defendants.)

ORDER

On November 30, 2012, the undersigned U.S. Magistrate Judge, James P. O'Hara, issued a report and recommendation (doc. 32) recommending that the corporate defendants, Rhonda & Son's, Inc. and Mac & Sons LLC, are not entitled to appointment of counsel and recommending severance of the corporate defendants from the individually-named defendants. An initial appearance was scheduled for the corporate defendants on November 20, 2012. At the initial appearance, Brent I. Anderson, Assistant United States Attorney, appeared on behalf of the government, and Munir Ahmad Chaudary attempted to appear on behalf of the corporate defendants.

For the reasons discussed below, the circumstances presented at the November 20, 2012 hearing do not alter the undersigned's report and recommendation.

I. Mr. Chaudary may not appear on behalf of the corporate defendants.

As a preliminary matter, Mr. Chaudary is a co-defendant in this matter represented by counsel, Carl E. Cornwell, II.¹ Mr. Chaudary's attorney did not appear at the initial appearance of the corporate defendants. As such, the court explained that it would be inappropriate to confer with him outside the presence of counsel.

Notwithstanding Mr. Chaudary's appearance without counsel, he is not qualified to represent the corporate defendants. As the undersigned previously noted in his report and recommendation, a corporate defendant may appear in federal court only through licensed counsel.² Accordingly, Mr. Chaudary, who is not a licensed attorney, may not appear on behalf of the corporate defendants.

II. The corporate defendants have not been properly served.

It is not entirely clear from the record whether the government has properly served the corporate defendants. In its most recent attempt, the government served Mr. Chaudary with summonses for both corporate defendants. The filed proof of service on the summonses, however, fail to identify the capacity in which Mr. Chaudary is entitled to accept service on behalf of the corporations (docs. 46, 47). Specifically, the summonses do not state that Mr. Chaudary was served as "an officer, a managing or

¹ Mr. Chaudary initially sought appointed counsel and was assigned Thomas W. Bartee from the Office of the Federal Public Defender (doc. 20). Mr. Chaudary has since retained counsel, Carl E. Cornwell, II (doc. 40). Mr. Chaudary's wife and co-defendant, Rhonda R. Bridge, was initially appointed CJA counsel, James L. Spies (doc. 8). She has since retained counsel, John M. Duma (doc. 43).

² *Rowland v. Cal. Men's Colony, Unit 11 Men's Advisory Council*, 506 U.S. 194, 202 (1993).

general agent, or any other agent authorized by appointment or by law to receive service of process.”³

The government may file amended proof of service of process as to the corporate defendants.

III. The circumstances presented do not alter the report and recommendation.

In consideration of the circumstances presented at the November 20, 2012 hearing, the undersigned maintains his recommendation that the corporate defendants are not entitled to appointment of counsel. At this point, the corporate defendants have not retained counsel. If counsel does not enter an appearance on their behalf in the near future, the undersigned maintains his recommendation for severance, in addition to the reasons previously set forth, to preserve speedy trial against the individually-named defendants. Finally, the undersigned takes no position regarding whether the government may seek a default judgment against the corporate defendants should they fail to defend against the charges.

IT IS SO ORDERED.

Dated November 20, 2012, at Kansas City, Kansas.

s/ James P. O’Hara
James P. O’Hara
U. S. Magistrate Judge

³ See Fed. R. Civ. P. 4(h)(1)(B).